

Remarks

Claims 23, 26, 28-30, 32-51 are now pending in this application. Applicants have amended claims 23, 26, 28-30 and 32-34, cancelled claims 24, 25, 27, and 31 and presented claims 35-51 to clarify the present invention. Applicants respectfully request favorable reconsideration of this application.

The Examiner rejected claims 22-34 under 35 U.S.C. § 112, second paragraph as indefinite. Applicants have amended the claims to recite patentable subject matter of the present invention with improved clarity, to eliminate any indefinite and unclear terms and to provide antecedent basis for all terms. Applicants submit that all pending claims comply with 35 U.S.C. § 112, second paragraph and respectfully request withdrawal of this rejection.

The Examiner rejected claims 23-34 under 35 U.S.C. § 102(b) as being anticipated by U.S. patent 4,212,663 to Aslami.

Aslami does not disclose the present invention as recited in claim 23 since, among other things, Aslami does not disclose rare-earth metals. Additionally, Aslami does not suggest a reaction that takes place in a reactor. Rather, Aslami discloses a chemical vapor deposition method that includes carrying out a reaction outside of a nozzle of a burner rather than in a reactor.

In view of the above, Aslami does not disclose all elements of the present invention as recited in claims 23, 26, 28-30, 32-51. Since Aslami does not disclose all elements of the present invention as recited in claims 23, 26, 28-30, 32-51, the present invention, as recited in claims 23, 26, 28-30, 32-51, is not properly rejected under 35 U.S.C. § 102(b). For an anticipation rejection under 35 U.S.C. § 102(b) no difference may exist between the claimed invention and the reference disclosure. *See Scripps Clinic and Research Foundation v. Genentech, Inc.*, 18 U.S.P.Q. 841 (C.A.F.C. 1984).

Along these lines, anticipation requires the disclosure, in a cited reference, of each and every recitation, as set forth in the claims. *See Hodosh v. Block Drug Co.*, 229 U.S.P.Q. 182 (Fed. Cir. 1986); *Titanium Metals Corp. v. Banner*, 227 U.S.P.Q. 773 (Fed. Cir. 1985); *Orthokinetics, Inc. v. Safety Travel Chairs, Inc.*, 1 U.S.P.Q.2d 1081 (Fed. Cir. 1986); and *Akzo N.V. v. U.S. International Trade Commissioner*, 1 U.S.P.Q.2d 1081 (Fed. Cir. 1986).

In view of the above, the reference relied upon in the office action does not disclose patentable features of the claimed invention. Therefore, the reference relied upon in the office action does not anticipate the claimed invention. Accordingly, Applicants respectfully request withdrawal of the rejection based upon the cited reference.

In conclusion, Applicants respectfully request favorable reconsideration of this case and early issuance of the Notice of Allowance.

If an interview would advance the prosecution of this application, Applicants respectfully

urge the Examiner to contact the undersigned at the telephone number listed below.

The undersigned authorizes the Commissioner to charge fee insufficiency and credit overpayment associated with this communication to Deposit Account No. 22-0261.

Respectfully submitted,

Date: 6/10/08


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